UNITED STATES PATENT AND TRADEMARK OFFICE

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09/623,852	10/30/2000	Martin Peller	951/49160	8122

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EXAMINER
NGUYEN, DUSTIN

ART UNIT	PAPER NUMBER
2154	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 August 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *5-12* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *5-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 August 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 5 – 12 are presented for consideration.

Specification

2.   The disclosure is objected to because of the following informalities: Please correct all

equations as mentioned in the specification, i.e. on page 3, "t wx" should be corrected as "t_wx".

Appropriate correction is required.

Response to Arguments

3.   Applicant's arguments filed 08/18/2006 have been fully considered but they are not

persuasive.

4.   As per remarks, Applicant's argued that (1) Pogue does not teach or suggest starting

transmission of said information signals so that said information signals are independent of any

one of said nodes as recited in claims 5 and 9.

5.   As to point (1), Pogue discloses a fiber optic data bus arranged in a star topology

configuration [Figure 1; and Abstract], and it provides a "virtual" communication path between

any piece of equipment connected to the network [col 7, lines 5-15]. In Pogue, the data

transmissions are uniquely structured and organized to facilitate high speed transmission in a star

topology configuration, the data on the network is divided into frames, and each node on the

network is allowed to transmit data during some portion (or time slot) of the frame [col 3, lines

64-col 4, lines 4], the network configuration information instructs the individual nodes as to the

specific time slot(s) in which a particular node can place data on the network or receive data

from the network [col 9, lines 46-50], and each node transmits a special SOT (Start-Of-

Transmission) symbol at the beginning of its time slot [i.e. starting transmission of said

information signals so that said information signals are independent of any one of said nodes] [

Figure 5; col 4, lines 61-64; and col 13, lines 21-43].

6.   As per remarks, Applicant's argued that (2) Pogue does not teach or suggest starting

transmission has start time which is solely a function of said hierarchical transmission sequence

as recited in claims 5 and 9.

7.   As to point (2), Pogue discloses the communication structure used to transmit data over

the fiber optic network [Figures 4-8]. In Pogue, the master controller on the network is

assigned a special time slot within each frame of data for the node, and the timing data sent by

the master controller includes a SYNCH symbol that is part of a unique sequence that is used as

the frequency reference for the entire rest of the system [i.e. starting transmission has start time

which is solely a function of said hierarchical transmission sequence] [Figure 4; col 2, lines 27-

34; col 4, lines 12-32; and col 32, lines 55-63].

Claim Rejections - 35 USC § 102

8.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

do not apply when the reference is a U.S. patent resulting directly or indirectly from an

international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA

35 U.S.C. 102(e)).

9.   Claims 5-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Pogue, Jr. [US

Patent No 5,995,512].

10.   As per claim 5, Pogue discloses the invention substantially as claimed including a process

for operating a plurality of nodes through a configured data bus [i.e. multiple nodes

communicate through a star topology configuration] [Figure 1; and Abstract] wherein said

nodes are in communication with one another through said configured data bus [i.e. data

transmitted from a node passes through the central hub and is provided to all of the nodes on the

network] [Figure 1; and col 4, lines 5-7], said method comprising the steps of

connecting at least one of said nodes through an optical transmission segment to said data

bus configuration [i.e. star topology configuration for connecting multiple devices through fiber

optic network to central hub] [Figure 1; and col 9, lines 33-col 10, lines 52];

providing synchronization pulses to synchronize each of said nodes [i.e. master

controller transmits timing data, SYNCH symbol, for synchronization of all the nodes] [col 4,

lines 19-32; and col 14, lines 1-8];

transmitting information signals from said nodes with a hierarchical transmission

sequence [i.e. master controller assigns time slot for each node in the frame] [Figures 6-8; col

4, lines 13-32; and col 9, lines 47-50] including the step of starting transmission of said

information signals so that said information signals are independent of any one of said nodes [

i.e. different node device have different bandwidth requirements based on the amount of data

they produce] [col 13, lines 22-44; and col 16, lines 31-51] and wherein said starting

transmission has a start time which is solely a function of said hierarchical transmission sequence

[i.e. nodes allow to transmit information in its assigned time slot] [Figure 5; col 4, lines 57-col

5, lines 17; and col 7, lines 48-52].

11.   As per claim 6, Pogue discloses the transmission start time for an information element for

a predetermined node is set to be later than when said predetermined node had previously

received an information element from another one of said nodes [i.e. master controller sends out

control block for each node and node uses that to transmit information] [col 13, lines 44-56; and

col 14, lines 8-24].

12.   As per claim 7, Pogue discloses the step of setting a delay time for each node within one

cycle of said transmission sequence [i.e. propagation delay] [col 4, lines 32-56] wherein the

length of said delay time is complimentary to a signal transit time between a predetermined node

and said data bus [i.e. length of cable] [col 4, lines 42-44].

13.   As per claim 8, Pogue discloses the delay time is a function of the type of connection

between a node and the data bus [col 15, lines 57-col 16, lines 9].

14.   As per claims 9-12, they are apparatus claimed of claim 5-8, they are rejected for similar

reasons as stated above in claims 5-8.

15.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dustin Nguyen
Examiner
Art Unit 2154